

REMARKS

The Office Action of October 18, 2004, rejected Claims 41-47 and 49-52 under 35 U.S.C. §102(e) as allegedly anticipated by Takamitsu et al. (CA 2,096,672).

In this Amendment, Applicants have amended Claim 41 and added new claim 53. Thus, Claims 41-47 and 49-52 are pending, Claim 41 being an independent claim.

Applicants respectfully submit that pending Claims 41-47 and 49-53 are patentable over Takamitsu et al. and respectfully request reconsideration and allowance of the pending claims for the following reasons.

Claim 41, for instance, recites a front portion including opposing first and second lateral side portions defining respective first and second lateral side edges, and a central section defining a fastening area between the first and second lateral side portions, first and second fault lines being disposed between the fastening area and the respective first and second lateral side portions; a rear portion including an outer rear edge, the first and second fault lines being configured for activation to selectively release the front portion from the rear portion for use of the personal care absorbent article as a diaper-like article; a crotch portion extending between said front portion and said rear portion; and first and second fasteners releasably secured to the fastening area, and non-releasably secured to the front portion spaced apart from the first and second lateral side edges of the front portion, the first and second fasteners being adjustable in the fastening area without activation of the first and second fault lines. Applicants respectfully submit that Takamitsu et al. does not disclose or suggest each and every element of Claim 41 as amended.

Takamitsu et al. describes a diaper having fastening flaps 6 that are bonded together along

bond lines 8. As shown in Figure 4 of the cited reference, the flaps 6 are bonded at its opposing side portions 3, which define the diaper's most distant lateral side edges. Stated another way, Takamitsu et al. does not secure its flaps 6 apart from its side portions 3 but directly thereto. This is completely different than Claim 41.

In further contrast to Claim 41, the disclosed flaps 6 are bonded to three layers: a front body 1, a rear body 2 and the opposing side portions 3 via the bond lines 8 as shown for example in Figures 2, 4, and 8. This arrangement creates a three-ply bonded layer, which is bulky, uneven and less comfortable to wear under clothes, for instance. Moreover, the additional material used in such a three-ply layer is more difficult to assemble, results in waste material and increases manufacturing costs. Thus, Applicants respectfully submit that Claim 41 is not anticipated by Takamitsu et al. and is therefore allowable.

Applicants have added Claim 53, which depends from Claim 41 to more particularly define and distinctly claim another aspect of the invention. Applicants respectfully submit that Claim 53 adds no new matter requiring a new search by the Examiner and is allowable for at least the reasons stated above.

Applicants respectfully request that the Examiner remove the rejection to Claim 41, indicate its allowance and that of its dependent Claims 42-47 and 49-53.

If the Examiner has any questions upon consideration of this Amendment, Applicants invite the Examiner to contact the undersigned at the Examiner's convenience.

Please charge any fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read 'BSK', written over a horizontal line.

1-12-05
Date

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